

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEUnder the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/646,582
Filing Date	08/22/2003
First Named Inventor	KEVIN A. TRACY, SR.
Art Unit	3711
Examiner Name	
Total Number of Pages in This Submission	7
Attorney Docket Number	50903

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> <input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input checked="" type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

Remarks
1) FACSIMILE COVERSHEET

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	CHARLES L. THOEMING
Signature	
Date	08/25/2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	CHARLES L. THOEMING
Signature	
Date	08/25/2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**RECEIVED
CENTRAL FAX CENTER**

AUG 25 2004

Practitioner's Docket No. 50903

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kevin A. Tracy, Jr.

Application No.: 10/646,582

Group No.: 3711

Filed: 08/22/2003

Examiner: Unknown

For: Method and Apparatus for Training Athletes

MAIL STOP STATUS INQUIRY
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATUS INQUIRY

1. More than twelve (12) months have passed since the filing of this application on August 22, 2003. No communication has been received from the Patent and Trademark Office indicating action on this application.
2. Applicant's counsel has twice sought to access information for this application on the PAIR system; however, these attempts have proved fruitless since the system does not recognize the undersigned attorney's customer number. The undersigned attorney's customer number, 27015, accompanied the filing papers in this case. In response to the Patent Office's suggestion that the customer number be resubmitted under Change of Correspondence Address format, Applicant's counsel filed such Change of Correspondence Address [PTO/SB/122] on July 21, 2004, as shown on the attached Exhibit A, three (3) pages. To date, this error has not been corrected by the Patent Office. Applicant respectfully requests that this application be assigned to his counsel's customer number, 27015, so that this application can be accessed through the PAIR system.
3. Kindly advise the undersigned of the present status of this application, by checking the appropriate box on the next page and returning the completed status to the undersigned by facsimile transmission to 925.937.1529.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

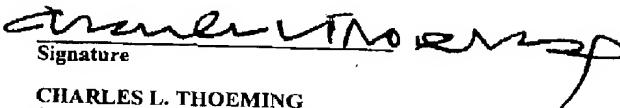
deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 8/25/04.

FACSIMILE

X

transmitted by facsimile to the Patent and Trademark Office.


Charles L. Thoeming
 Signature

CHARLES L. THOEMING
(type or print name of person certifying)

(Status Inquiry--page 1 of 2)

Date: August 25, 2004.

Charles L. Thoeming

Charles L. Thoeming
Registration No. 43,951
Bielen, Lampe & Thoeming, P.A.
1990 North California Blvd.
Suite 720
Walnut Creek, CA 94596
USA
925-937.1515
Customer No. 000027015

STATUS INQUIRY REPLY

APPLICATION NO. 10/646,582 IS CURRENTLY

- ASSIGNED TO GROUP _____ AND AWAITS:
- ACTION BY THE EXAMINER.
- APPLICANT'S RESPONSE TO THE OFFICE ACTION MAILED
-
-

(Status Inquiry--page 2 of 2)

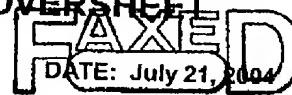
CHARLES L. THOEMING
ATTORNEY & COUNSELOR AT LAW
REGISTERED PATENT ATTORNEY

BIELEN, LAMPE & THOEMING, P.A.
1990 NORTH CALIFORNIA BLVD.
SUITE 720
WALNUT CREEK, CA 94596

(925) 937.1515 **voicemail**
(925) 937.1529 or 935.8473 FAX
hadvbaxen@earthlink.net EMAIL

ADMITTED TO PRACTICE
IN CALIFORNIA AND TEXAS

FACSIMILE COMMUNICATION COVERSHEET



CLIENT NO.: 50903

FACSIMILE NO.: (703)872.9306

TO: UNITED STATES PATENT AND TRADEMARK OFFICE
FROM: Charles L. Thoeming
NO. OF PAGES: (including this coversheet) Three (3)

COMMENTS:

Transmitted herewith to be filed in pending U.S. non-provisional patent application serial no. 10/646,582 are: 1) PTO Transmittal Form PTO/SB/21 [1 page]; and 2) Change of Correspondence Address [1 page].

Respectfully submitted,

Charles L. Thoeming, Registration No. 43,951

The information contained in this facsimile is confidential and may be subject to the attorney-client privilege and/or attorney work product protection. This facsimile communication is intended only for use by the individual named above. Any erroneous transmission of this facsimile communication to any unintended individual or entity is not intended to waive any applicable privilege or protection, the same hereby wholly reserved. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original to us by the United States Postal Service.

CHARLES L. THOEMING
ATTORNEY & COUNSELOR AT LAW
REGISTERED PATENT ATTORNEY

BIELEN, LAMPE & THOEMING, P.A.
1990 NORTH CALIFORNIA BLVD.
SUITE 720
WALNUT CREEK, CA 94596

(925) 937.1515 ✆
(925) 937.1529 or 935.8473 FAX
hadvbaxen@earthlink.net EMAIL

RECEIVED
CENTRAL FAX CENTER

AUG 25 2004

ADMITTED TO PRACTICE
IN CALIFORNIA AND TEXAS

FACSIMILE COMMUNICATION COVERSHEET

DATE: August 25, 2004

CLIENT NO.: 50903

FACSIMILE NO.: (703)872.9306

TO: MAIL STOP STATUS INQUIRY
Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

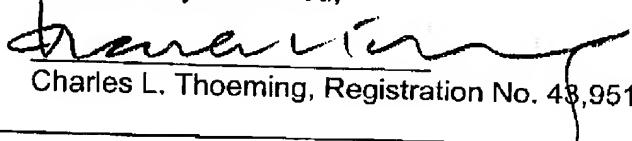
FROM: Charles L. Thoeming

NO. OF PAGES: (including this coversheet) Seven (7)

COMMENTS:

Transmitted herewith to be filed in pending U.S. non-provisional patent application serial no. 10/646,582 are: 1) PTO Transmittal Form PTO/SB/21 [1 page]; and 2) Status Inquiry [5 pages].

Respectfully submitted,


Charles L. Thoeming, Registration No. 43,951

The information contained in this facsimile is confidential and may be subject to the attorney-client privilege and/or attorney work product protection. This facsimile communication is intended only for use by the individual named above. Any erroneous transmission of this facsimile communication to any unintended individual or entity is not intended to waive any applicable privilege or protection, the same hereby wholly reserved. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original to us by the United States Postal Service.